

Substantial Involvement

Applies to:

All cooperative agreements

Definition

Collaboration between the awarding agency and recipient in the management of a project, as outlined in terms of the [cooperative agreement](#). Substantial Involvement occurs when the recipient and the Service participate together in the management and/or performance of the activity/project during post-award. This collaboration is programmatic in nature and may provide benefits (e.g. technical expertise, specialized equipment, labor) that otherwise would be unavailable to the recipient.

Substantial involvement is NOT the same as the Service's standard financial assistance management responsibilities, **nor is it to be used solely as a means of exercising greater control over the recipient.**

Department Policy

Substantial involvement (sometimes referred to as Substantial Federal Involvement) has at least one of the following characteristics: [1]

- Joint collaboration or participation between the awarding agency and recipient partner, volunteer, scientist, technician, or other personnel, in carrying out the scope of work
- Training of recipient personnel by awarding agency
- Detailing of federal personnel by awarding agency to work on project effort
- Review and approval by awarding agency of one stage of work prior to start of next stage
- Review and approval by awarding agency of modifications or subawards, prior to the award
- Awarding agency participation in selecting project staff or trainees
- Directing or redirecting of work by awarding agency because of interrelationships with other projects
- Ability of awarding agency to immediately halt work because of failure to meet performance specifications
- Limitation of recipient by awarding agency in respect to designing scope of work, organizational structure, staffing, mode of operations, and other managerial processes
- Close monitoring or operational involvement by awarding agency

Substantial involvement is not considered to be: [2]

- Government approval of recipient plans prior to award
- Normal exercise of Federal stewardship responsibilities during the project period (e.g. site visits, performance or financial reporting, review of objective accomplishment and adherence to terms and conditions of award)
- Unanticipated Government involvement to correct deficiencies in project or financial performance from the terms of the assistance instrument
- Preaward compliance requirements (e.g. civil rights, environmental projections, provisions for the handicapped, etc)
- Government review of performance after completion of assisted activity
- General administrative requirements, such as included in OMB Circulars A-21, A-87, A-102, A-110, A-133), and applicable implementing regulations

Substantial involvement in cooperative agreements will be limited to the minimum required consistent with program requirements. Nothing in the Act [3] should be construed as allowing the government to increase its involvement beyond that which is authorized by applicable laws and OMB requirements.[4]

Service Policy

From the Notice of Award template:

If the award is for a cooperative agreement, include a detailed and project-specific description of the substantial activities to be carried out by Service staff under the award ("The Service will..." and "the Recipient will..." statements). Substantial involvement does NOT include: awarding funds, assigning a project officer, reviewing and approving standard financial and performance reports, processing payments, monitoring to ensure project is completed on time, or performing any other routine administrative and monitoring activities. These responsibilities are inherent to every financial assistance award and do NOT justify issuing a cooperative agreement! Do not include these types of activities in the "The Service will..." substantial involvement statement.[5]

Funding opportunities for expected cooperative agreement awards must include in the Synopsis description the following:

"Substantial involvement on the part of the Service is anticipated for the successful completion of the activities to be funded. In particular, the Service will be/expects to be responsible for the following: [list the specific project-related activities to be performed by Service staff]."^[6]

[1] 505 DM 2.9 B(3)(a)

[2] 505 DM 2.9 B(3)(b)

[3] Federal Grant and Cooperative Agreement Act of 1977, as incorporated in 31 USC § 6301-6308 (cited online at <http://www.law.cornell.edu/uscode/text/31/subtitle-V/chapter-63>)

[4] 505 DM 2.9 B(5)

[5] SERVICE PERSONNEL: See the FAPO webpage on InsideFWS for current version of NOA template.

[6] FAPO, "Issuing a New Financial Assistance Award Guidance", Step 3 B., pg. 9.